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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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McGuireWoods LLP
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EXAMINER

RAMAN, USHA

ART UNIT PAPER NUMBER

2623

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/670,865

Applicant(s)

YEO ET AL.

Examiner

Usha Raman

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application:

Yeo and Liu reference cited in page 13, lines 7-10 of the disclosure

Response to Arguments

2. Applicant's arguments filed on September 29th, 2006 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claim 30 (on pages 9-10) have been noted. However the examiner notes that Summary frames have been interpreted as a plurality of video frames selected for a video summary rather than a plurality of summary panes. While applicant argues that, "only one of the summary frames is shown at a time", the examiner notes that the claim language recites, "displaying *the video program and the summary frames on a screen at a same time* with the video program...", and not displaying the all of summary frames at the same time".

Therefore, each frame of the plurality of summary frames in the video preview is displayed at the same time with the video program in the modified system.

Applicant's arguments with respect to claim 33 have been noted. However, without defining clearly where the writing and reading steps take place, the scope of the claim language cannot be ascertained.

Applicant's arguments with respect to claim 21, 25, and 36, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 33 recites the limitations "writing selected frames..." and "reading said selected frames...", steps that are recited after "simultaneously displaying the summary frames". The claims are rendered indefinite because the flow of the claim language suggests that the writing steps and the read steps occur after the display steps, thus rendering the writing and the reading moot. Therefore, it remains unclear when exactly the writing and the reading steps should take place: i.e. the transmission step, the reception step or the displaying step. Applicant is requested to clarify the claim language in order to indicate the correct placement timing of the said writing and reading steps.

Allowable Subject Matter

5. Claim 33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 21-28, and 37-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakagaki et al. (US Pat. 5,852,474).

With regards to claims 21 and 25, Nakagaki discloses a video viewing system comprising:

Means for selecting a programming channel containing video program in progress (see column 7, lines 45-50, remote control 1, direct CH button 45,);

A display screen for viewing a video program in progress (CRT 11, see column 3, lines 62-63, video program in progress is displayed in the main screen);

At least one summary frame (subordinate screen) also displayed on the display screen overlaid onto the video program in progress at the same time (see fig. 12B) after the programming channel is changed (see column 4, lines 37-42, on receiving signals of a broadcast programs necessitates the step of tuning to that channel), the at least one summary frame comprising past frame from the video program in progress.

With further regards to claim 25, Nakagaki further discloses the step of using the control means for allowing the user to select the at least one of summary frame to play at least a segment of video corresponding to the selected summary frame (see column 7, lines 30-39, column 12, lines 36-40)

With regards to claim 22, Nakagaki discloses that the summary frame displays a video segment on the viewing screen corresponding to the summary frame ("mobile pictures", see column 14, lines 28-31).

With regards to claim 23, Nakagaki discloses a plurality of summary frames (i.e. mobile picture), each corresponding to a past frame from the video program in progress (see figure 12, column 14, lines 28-31).

With regards to claim 24, Nakagaki, discloses that a primary and secondary display areas corresponding to the video programming can be switched (i.e. reversing father-son screens, see column 4, lines 1-7, see 21-26). Therefore when the user plays segment C in the main screen area, segment D is displayed as subordinate screen, wherein segment D comprises future frame from the video program in progress (i.e. future relative segment C in progress).

With regards to claim 26, Nakagaki discloses a user interactive video system comprising a television system (see abstract).

With regards to claim 27, Nakagaki shows the summary frames (in this case a still picture C) remaining on the display screen (see fig. 7) when the video program is preempted.

With regards to claim 28, Nakagaki discloses that a user may depress playback/time-shift halt/stop button upon which the only the scene of the television program is displayed on the screen. See column 11, lines 15-19. Therefore a user can delete the preview from display by use of time-shift stop button.

With regards to claim 36, the limitations of the claim have been discussed with regards to Claims 21-24.

With regards to claims 37 and 38, Nakagaki discloses the step of displaying two or more summary frames (A, B) at the same time with the video program in progress.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagaki et al. (US Pat. 5,852,474)

With regards to claim 29, Nakagaki does not disclose that viewing system comprises client connected to a server. Examiner takes official notice that it was well known in the art at the time of the invention to connect a television client system to a remote server, so that the user can access additional services and information such as the Internet and television schedule. It would have been obvious to one of ordinary skill in the art to modify the system by connecting the client to a server so that the client has access to additional information such as television schedule information.

9. Claims 30, 32, 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (US Pat. 6,732,369).

Regarding Claim 30, Schein discloses a method for informing a viewer of the content of a video program in progress comprising display a short preview of a show that is selected by a user (Col. 22, Lines 50-56). It is inherent that the preview must be created prior to being made available for viewing by the user. This reads on the claimed selecting a plurality of summary frames depicting selected events from a video program. The summary frames are embedded in a window of the video program (See Figure 16A, 528; Figures 17B, 17C). The video program comprising the summary frames is transmitted over a media (Col. 6, Lines 44-55). The video program and summary frames are displayed on a screen at the same time when a viewer selects the video program (i.e. show is highlighted in the EPG matrix)

While Schein discloses the step of display a preview upon selecting a channel, Schein fails to teach the step of displaying a preview upon changing the programming channel.

Examiner takes official notice that it is well known to broadcast previews after returning from commercial breaks. In such a case, when the viewer changes to that channel at the end of the commercial break, the user is presented with a preview upon changing to that channel.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Schein, by enabling the user to watch a preview of a program, when the user changes to that channel after a commercial break. The motivation is to give the opportunity to the user to recap a program when a user tunes to a program after a commercial break.

Regarding Claim 32, Schein discloses a method as stated above in Claim 30. Schein further discloses viewing the currently tuned channel in one window and the preview of the selected channel in a separate window. It is well known in the art that television programming may contain advertisements, which would subsequently be shown in the display window (526). Schein makes no mention of changes in the programming affecting the playback of the program preview in the separate window. Therefore, this reads on the claimed continuing to display the summary frames (528) when the video program is preempted by an advertisement or other interruption.

Regarding Claim 34, Schein discloses a method as stated above in Claim 30, wherein the step of displaying the video program comprising the summary frames on a screen comprises placing the video program and said summary frames in designated windows on the screen (See Figure 16a).

Regarding Claim 35, Schein discloses a method as stated above in Claim 30, wherein the user is operable to view a preview based on the channel highlighted in the EPG grid (Col. 22, Lines 50-56). This reads on the claimed video program and the video program in progress are on different channels.

10. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (US Pat. 6,732,369) in view of Matthews, III (US Pat. 5,815,145).

Regarding Claim 31, the modified system of Schein discloses a method as stated above in Claim 30. Schein further discloses an exit area that allows a viewer to exit back to the television (Col. 22, Lines 48-50). This reads on the claimed resuming the video program when the video segment has finished. What is not

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disclosed, however, is displaying a video segment corresponding to a particular summary frame when the summary frame is selected by a viewer. Matthews discloses a system for providing a plurality of summary frames (See Figure 4) wherein at least one of the tiles includes a multi-frame video segment (Col. 4, Lines 49-55) that is accessed when a viewer focuses on a tile (Col. 5, Lines 16-45). This reads on the claimed selection of at least one summary frame displaying a video segment corresponding to the summary frame. Matthews is evidence that one of ordinary skill in the art would appreciate the benefits of displaying a still frame and allowing a user to select it in order to receive a video preview. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Schein with the still frame linked to a video preview of Matthews in order to save bandwidth by only transmitting video for the still frames a user expresses interest in.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ahmad et al. (US Pat. 6,263,507)

Arman et al., "Content-based Browsing of Video Sequences"

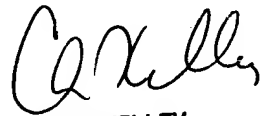
12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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